



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 349-99

11 July 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 31 March 1964 at age 18. Prior to the offense for which you received a bad conduct discharge, you received three nonjudicial punishments and were convicted by a special court-martial. The offenses included unauthorized absences totalling 102 days, appearing in an improper uniform, failure to have an identification card in your possession, possession of another's identification card, and violation of a lawful general regulation.

A second special court-martial convened on 28 February 1967 and found you guilty of an unauthorized absence of 310 days. The court sentenced you to confinement at hard labor for six months, forfeitures of \$70 per month for six months, and a bad conduct discharge. However, the bad conduct discharge was suspended for six months. Subsequently, you were convicted by a general court-martial on 6 November 1968. The sentence imposed consisted of confinement at hard labor for a year, forfeiture of all pay and allowances, and a bad conduct discharge. However, the bad conduct discharge was disapproved. On 30 September 1968 the

suspended bad conduct discharge from the special court-martial was ordered executed and you were so discharged on 8 August 1969.

On 1 June 2000 Headquarters Marine Corps issued a DD Form 215 that changed the reason for discharge from "sentence of general court-martial" to "sentence of special court-martial".

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your unauthorized absences totalling more than 27 months. The Board also noted that the initial sentence to a bad conduct discharge was suspended, thus giving you an opportunity to earn a better discharge. However, you continued to commit offenses, which resulted in the discharge being executed. Based on the foregoing, the Board concluded that no change to the discharge is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director